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SUBJECT: ARREST OF SUNNI LEADER HIGHLIGHTS CHALLENGES ON
MANY FRONTS

REF: A. BAGHDAD 899
[1](#)B. BAGHDAD 544
[1](#)C. BAGHDAD 64
[1](#)D. TD-314/031829-09

Classified by Acting Political Counselor John G. Fox for
reasons 1.4 (b) and (d).

[1](#)1. (S) Summary: On May 12, the Iraqi Army arrested prominent Sunni Tribal leader Sheikh Mutlab Al-Massari, on suspicion of collaborating in efforts to reconstitute the Ba'th Party. The arrest of Mutlab, who is a close contact of the U.S. Embassy and Coalition Forces, highlights many of the challenges we face in Iraq. In addition to underlining the deep gulf of mistrust between Iraq's Sunnis and the Shi'a-dominated GOI, the case also underscores Iraq's serious capacity deficits in the rule of law, woefully substandard MOD detention facilities, and Iraq's byzantine labyrinth of competing security institutions. At least along the heavily Sunni western fringes of Baghdad, Mutlab's arrest may shore up, in the eyes of rejectionists and fence sitters, the argument that those who reject "resistance," befriend the Americans, and engage the GOI are only setting themselves and their communities up for betrayal. End summary.

[1](#)2. (C) On May 12, at 3AM local, the 22nd Brigade of the Iraqi Army's 6th Division entered the home of Sheikh Mutlab Ali Abbas Al-Massari in Ghazaliya, West Baghdad. The commander of the mission, Lt. Col Ali, informed Sheikh Mutlab he was under arrest, presented an arrest warrant ordering his detention for "terrorism," and gave him five minutes to get himself together.

A Community Leader and CF Ally

[1](#)3. (SBU) Sheikh Mutlab is a prominent community leader in Ghazaliya, a predominantly Sunni enclave on the western outskirts of Baghdad. (Ghazaliya, squeezed between Abu Ghraib to the west, a stronghold of Al-Qaida in Iraq (AQI), and Shu'la, dominated, at least until recently, by the Jaish Al-Mahdi (JAM), has been the scene of hundreds of terrorist attacks in the past four years.) Mutlab was appointed in 2007 to the Ghazaliya Tribal Support Council, a GOI-supported advisory body of tribal leaders. He also founded in 2004 the Patriotic Confederation of Iraqi Tribes, one of various private pan-tribal groupings that have emerged since Saddam fell.

[1](#)4. (C) Sheikh Mutlab has also been an advocate for and advisor to "Sons of Iraq" (SOI) armed neighborhood watch units in Ghazaliya, Abu Ghraib, and other Western Baghdad districts. Many of the SOI in the area had defected from the Sunni insurgency to defend their neighborhoods, alongside Coalition Forces, from AQI. Like virtually every other prominent Sunni who publicly supported the SOI program and advocated engagement with the GOI rather than "resistance," Sheikh Mutlab has been repeatedly threatened by AQI.

15. (C) At his home, Mutlab regularly has entertained Coalition Forces "Battle Space Owners" - the U.S. Army officers responsible for his district, and also has had regular contact with the Baghdad Provincial Reconstruction Team and the U.S. Embassy's Political Section. In October of 2008, Mutlab organized and funded a half-day conference at Central Baghdad's Babil Hotel to persuade tribal leaders to support the proposed U.S.-Iraq Status of Forces and Strategic Framework Agreements, one of only two prominent Sunni tribal leaders we can think of willing to take such a public stance in support of the agreements. Mutlab participated in the Secretary's April 25 "Town Hall" meeting with Iraqi citizens, and asked her a well-received question about U.S. support for Iraqi farmers.

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Sunni - GOI Mistrust Runs Deep, Arrests Anticipated

16. (C) A mid-April lunch Mutlab hosted for poloff and CF officers with commanders and sub-commanders of SOI units in Ghazaliya and Ameriya underscored the deep distrust many Sunnis, particularly SOI, harbor toward the GOI. As in previous engagements with Mutlab and SOI commanders, the Iraqis complained bitterly of perceived penetration of the Iraqi Police and Army by Shi'a militia leaders heavily influenced, if not controlled, by Iran. From their perspective, the CF's transfer to the GOI of authority for the SOI program had netted them a pay cut, salary interruptions, and only partially fulfilled commitments to absorb them into the ISF and the public sector. All these factors Mutlab and the SOI commanders saw as evidence that

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the GOI lacked the political will to honor its commitments to the SOI.

17. (C) Mutlab and the SOI commanders also told us that they believed ISF leaders planned to arrest SOI leaders and dissolve their units for sectarian reasons. There had already been a number of arrests of prominent SOI leaders in the spring of 2009, including several from Ghazaliya and surrounding districts, which they cited as evidence of the perceived arrest campaign. Though poloff pointed out that the arrests amounted to only a small fraction of the total number of SOI leaders, the Iraqis remained convinced that the ISF were in the hands of sectarian partisans who were biding their time until the CF pulled back and left their SOI proteges completely exposed. "They will arrest all of us, one by one," Ghazaliya SOI commander Shuja' Naji predicted darkly.

18. (C) Comment: PM Maliki has expressed his commitment to seeing the SOI program satisfactorily resolved but execution has tended to lag behind stated intent. More progress needs to be made to complete the absorption of 20 percent of the SOI into the Iraqi Security Forces and there exist only nascent plans to transition the remaining 80 percent into the public sector. Iraqi payment of the SOI, since authority to do so was transferred from the CF, has been plagued, of late, by bureaucratic problems associated with 2009 Budget cuts. End comment.

The Legal Case

19. (S) The Central Criminal Court of Karkh (West Baghdad), which falls under Iraq's High Judiciary Council, issued a warrant for Mutlab's arrest on May 3. The grounds for the arrest on the warrant are cited as "Article 4, terrorism." A senior IA source claimed to a CF officer that the warrant was based on evidence seized in an April 30 raid of a home that allegedly doubled as an office somewhere in West Baghdad of the "New Ba'th Party." The IA source told the CF officers

that the raid had yielded a cache of documents, including a party "registration form" bearing Sheikh Mutlab's photo, party title, and a record of his dues payments. Muhammad Salman, Prime Minister Maliki's point man on national reconciliation, gave the same account of the case to Emboff and a senior CF officer.

¶10. (S) Senior IA officers told the CF that the order to execute the warrant originated in the Baghdad Operations Command (BOC), led by General Abboud Qanbar, which oversees all police and military operations in Greater Baghdad. Although Iraqi law stipulates that all detainees must be brought before an investigative judge within 24 hours of their arrest, Mutlab had yet to see a judge, or be informed of the charges against him, as of COB May 17, five days after his arrest. MNF-I Rule of Law advisors, consulting their Iraqi judicial contacts, expected that Mutlab would likely be transferred from his interim place of detention in Kadthimiya, North Baghdad, to "Camp Honor," the 56th Iraqi Army Brigade's Headquarters in the International Zone, on May 18 or 19.

¶11. (S) At that time, an investigating judge is expected to review the file and determine whether there is enough evidence to refer the case for prosecution. MNF-I Rule of Law advisors expressed confidence that the investigative judge would conduct an impartial review of the evidence and make an objective decision. They also assessed that, particularly given Embassy and CF expressions of interest and attention to the case, Mutlab was at low risk for torture, sometimes employed by Iraqi authorities to extract confessions. (Comment: There are, however, few means to guarantee the integrity of the evidence. We also note that if Mutlab does indeed see a judge May 18 or 19, this relatively quick time lapse would be attributable to his status as a "celebrity" detainee in whom the CF and the Embassy have taken great interest. In some cases "ordinary" detainees can wait months, or longer, to see a judge. End comment.)

The "Slave Ship"

¶12. (S) On May 14, poloffs visited Mutlab at the Karkh Area Command Detention facility located on Forward Operating Base (FOB) Justice in Kadthimiya, North Baghdad, headquarters of the 22nd Brigade of the Iraqi Army's 6th Division. On the first night, Mutlab was placed in the Brigade Internment Facility, which he described as "acceptable." On May 13, Mutlab was moved to the Karkh Area Command (KAC) Detention

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Facility, also on FOB Justice. Mutlab described the facility as badly overcrowded and said his bed for the next two nights had been a dirty concrete floor. The Sheikh, who prides himself on a clean-cut appearance, was sporting a dirty robe during our visit and had obviously not showered in days. Members of the U.S. Army Military Transition Team (MiTT) embedded with the Iraqi Army 22/6 suggested Mutlab's account of conditions in the cell was understated. The MiTT Team members described the room as a "slave ship," - a gymnasium sized room packed with hundreds of detainees who barely have room to lie on the floor) filled to at least 200 percent of its capacity.

¶13. (S) Following the intervention of the U.S. Army MiTT Team, Mutlab was subsequently moved to a smaller, private cell. The MiTT personnel also ensured that Mutlab received bedding and adequate food. Senior officers from MND-B (Multi National Division Baghdad - which oversees all Coalition Force operations in the Baghdad region) had already been engaging with the GOI on the unacceptable conditions at the KAC facility and have been working with IA counterparts to implement a comprehensive plan of remedial action to bring

the KAC facility, and other detention sites, up to minimal humanitarian standards. Additionally, poloff flagged the conditions at the KAC detention center to Human Rights Minister Wijdan Mikhaail during a May 16 meeting. She pledged to look into it promptly. Embassy Rule of Law advisors remark that "substandard conditions" remain the standard in ISF interim detention facilities but add that, on the whole, there has actually been a net improvement since 2007.

Byzantine Security Bureaucracy

¶14. (S) We have yet to obtain any definitive information about the actual origins of the case against Mutlab. We do not know which of the multiple Iraqi entities concerned with security and counterterrorism conducted the raid against the reported New Ba'th Party office in West Baghdad at which the allegedly damning documents were found. During our initial queries in the hours after Sheikh Mutlab's May 12 arrest, contacts at the BOC first indicated the matter might be quickly resolved, but later claimed that the matter was out of their hands, as the case originated not with the BOC but rather with the Office of the Commander in Chief (OCINC) - the military office of Prime Minister Maliki - which ensures MOD compliance with the PM's directives, (and which would not normally get involved in the execution of terrorism warrants).

¶15. (S) An apparently solid account of the contents of Mutlab's file, obtained separately by a CF officer, suggests that his case, or at least the execution of the warrant, did indeed originate in the BOC rather than the OCINC. We have also heard from several sources that Mutlab will soon be transferred to the 56th Brigade Headquarters at Camp Honor in the International Zone, which has a detention facility jointly controlled by the BOC and the Prime Minister's Counterterrorism Bureau (CTB). We also cannot rule out the involvement in the case of either CTB or the Ministry of State for National Security Affairs (MSNSA). The MSNSA, which also reports directly to the Prime Minister, was the lead agency in the embarrassing December 2008 arrest of a dozen traffic police who had allegedly been organizing a Ba'thist plot of overthrow the Maliki Regime. The case was quickly discredited and MSNSA ridiculed for flagging a small group of traffic police as potential coup leaders. Qgroup of traffic police as potential coup leaders.

¶16. (C) If Mutlab is indeed transferred to Camp Honor, this would be significant, as it appears to be a detention center of choice for detainees in politicized cases. Also detained at Camp Honor is the Chairman of the Diyala Provincial Council's Security Committee, who remains detained on terrorism charges following a controversial CTB raid on the Diyala PC in August 2008.

Comment

¶17. (C) If the GOI decides to refer Mutlab for further investigation, he will likely remain detained indefinitely. While Mutlab is by no means a household name in Iraq, his arrest and prolonged detention will certainly be noticed and remarked upon by SOIs and Sunni community and tribal leaders in the districts along Baghdad's western and southern fringes. These same western and southern fringes of Baghdad were strongholds of the Sunni insurgency for several years and were only (relatively) pacified with the introduction of the SOI program in 2007. Residual elements of the insurgency, and AQI, remain in the area.

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¶18. (C) We believe local SOI and Sunni tribal leaders will see Mutlab's arrest as another stage of a perceived GOI

arrest campaign, threatening to further undermine SOI morale and augment local skepticism toward the GOI. Ultimately, fence-sitters who were uncertain about whether to continue "resistance" or to engage the GOI, may be pushed back in the direction of violence, and local rejectionists may find more fertile ground for their message that those who reject "resistance," befriend the Americans, and engage the GOI, are setting themselves and their communities up for betrayal.
End comment.
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